

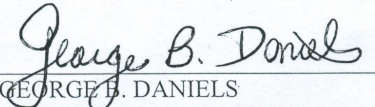


Miedel & Mysliwiec LLP

May 7, 2021

SO ORDERED:

Hon. George B. Daniels
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007


GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE
Dated: MAY 17 2021

RE: United States v. Freddy Abad
09-CV-8985
01-Cr-831

Dear Judge Daniels:

At the end of January 2021, the Court appointed me to represent Mr. Abad in connection with his stated intention to file a petition pursuant to 28 U.S.C. § 2255, following a *Davis* remand from the Second Circuit. The Court directed that the petition be filed on or before May 7, 2021.

I have examined the factual record and researched the law. Because Mr. Abad's 18 U.S.C. § 924(c) conviction was based not only on Hobbs Act robbery conspiracy, but also on substantive Hobbs Act robbery, and because Mr. Abad's 18 U.S.C. § 924(i) conviction was based on Hobbs Act robbery, I am not in a position to submit a non-frivolous memorandum of law in support of a § 2255 Petition. Accordingly, I respectfully ask to be relieved from representing Mr. Abad in this matter.

However, I do not wish to deprive Mr. Abad of his right to file a § 2255 petition on his own. I therefore respectfully request that Mr. Abad be permitted to file any submission within 90 days, if he so desires.

Thank you for your consideration.

Sincerely,

/s/

Florian Miedel
Counsel for Freddy Abad

Cc: AUSA Marguerite Colson (email)
Freddy Abad (US Mail)